

AKS
SEK

JAMES R. ANDERSON, P. C.
ATTORNEY AT LAW
210 SCARRITT BUILDING
818 GRAND AVENUE
KANSAS CITY, MISSOURI 64106
(816) 842-1223

RECEIVED
JUN 10 1986
EPA-CNSL

Site:	Martha
In #:	M80980633069
Break:	10.9
Other:	AR
	6-9-86

0780

June 9, 1986

J. Scott Pemberton
Assistant Regional Counsel
United States Environmental
Protection Agency
Region VII
726 Minnesota Avenue
Kansas City, Kansas 66101



40027150
SUPERFUND RECORDS

In Re: Martha C. Rose Chemicals, Inc.
Docket No. 86-F-0006

Dear Mr. Pemberton:

In response to your letter to me dated June 5, 1986, in connection with the above-captioned matter, I must respectfully disagree with your characterization as to certain events which occurred during the course of our meeting on June 3, 1986.

Whereas, I agree that I appeared as the attorney of record for Martha C. Rose Chemicals, Inc., American Steel Works, Inc., W.C. Carolan Company, Inc. and Walter C. Carolan, I disagree that Walter C. Carolan in an individual capacity promised or stated that he would undertake to accomplish certain actions pursuant to your Administrative Order. I specifically stated for the record that Mr. Carolan does not and has not, at any time, conducted business in an individual capacity at the Holden, Missouri facility nor has he ever held possessory interests with respect thereto. I now reiterate that earlier statement made and confirm it in writing. This statement with respect to Walter C. Carolan as an individual should be considered as continuing during the course of whatever conferences, negotiations and exchanges might hereafter occur. Specifically, Walter C. Carolan as an individual did not commit himself to the Environmental Protection Agency or to anyone else that he would provide sufficient personnel to timely address environmental concerns as to any alleged spill of P.C.B. contaminated oil. Neither did he state or promise to undertake spill clean-up operations, to submit a sampling and analysis plan to the Environmental Protection Agency, to verify the effectiveness of any spilled clean-up activities, to submit a plan for construction of a chain-link security fence, to provide twenty-four hours security services, to post any notices, to address Paragraph 1(b) or 1(c) of the Administrative Order in question, to submit an inventory disposal plan, to provide assurances that any plan devised, proposed or attempted can be or would be implemented, to provide funds therefore, to certify that

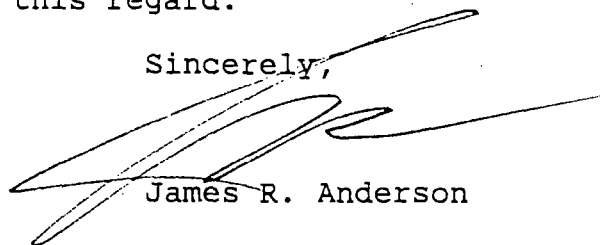
any funds might be available, to provide books or records as to his individual affairs or make any other commitment which might arise out of or be in any way connected with the Administrative Order issued. In summary, Walter C. Carolan must respectfully decline to participate in an individual capacity to any extent whatsoever and denies any and all individual liability.

On a related subject, I recall stating during the course of the June 3rd meeting that Dust Suppression Systems, Inc. does not now and never has conducted business at the Holden, Missouri facility and that it has never held a possessory interest therein. For that reason, Dust Suppression Systems, Inc. does not consider itself to be in any respect involved in your Administrative Order and will not participate as to clean-up plans nor will it open its separate corporation books and records to the agency.

Finally, there is not now nor has there ever been a "Carolan Group" as might be inferred from the context of your letter to me on June 5th. Each of the corporations which I represent is a distinct and separate entity in its own right and is recognized as having its own bona fide articles of incorporation, bylaws and other indices of corporate organization. I would again state for the record that this contention should be construed as being of a continuing nature during the entire course of any subsequent discussions, negotiations or exchanges.

Thank you for your attention in this regard.

Sincerely,



James R. Anderson

JRA:sfr

cc: Martha C. Rose Chemicals, Inc.
American Steel Works, Inc.
W.C. Carolan Company, Inc.
Dust Suppressions Systems, Inc.
Walter C. Carolan